

BINGHAM McCUTCHEN

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DATE: June 8, 2004

	NAME	FAX	PHONE
TO:	Commissioner for Patents Attention: Examiner John H. Le	(703) 872-9306 (571) 273-2275	(571) 272-2275

FROM:	Gary D. Lueck gary.lueck@bingham.com	(213) 680-6499	(213) 680-6813
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PAGES: (INCLUDING THIS COVER PAGE): 11

RE: Application No. 10/055,636

MESSAGE:

URGENT

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355 South Grand Avenue
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The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

Timekeeper No:	30806	Client/Matter No:	700605-2001	DATE/TIME STAMP
Client/Matter Name:		Floor No:		
Return To:				

PATENT
Docket Number: 700605-2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Assignee: Radica China, Ltd.

Inventors: W. Paxton *et al.*

Appln. No: 10/055,636

Filed: January 23, 2002

Title: OPTICAL CONTROLLER

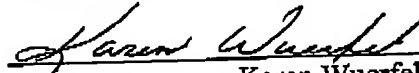
Group Art Unit: 2863

Examiner: Le, John H.

Certificate of Mailing Via Facsimile Under
37 C.F.R. § 1.8

Date of Deposit: June 8, 2004

Pursuant to 37 C.F.R. § 1.8, I hereby certify that this correspondence and all attachments are being sent to via facsimile to fax number (703) 872-9306 and to fax number (571) 273-2275, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Karen Wuerfel

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REQUEST TO CONSIDER REFERENCES IDENTIFIED IN
FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The Applicants respectfully request that the 13 references identified in the first Information Disclosure Statement (IDS) filed with the above-identified patent application be considered.

The Applicants enclose herewith copies of the following concerning the first IDS that was filed with Appln. No. 10/055,636:

1. Information Disclosure Statement and Form PTO-1449 identifying 13 references, filed January 23, 2002.

PATENT

Docket Number: 700605-2001

2. Postcard identifying Information Disclosure Statement With 13 References;
3. Express Mail Label No. EL 828015157 US; and
4. Utility Patent Application and Fee Transmittal, identifying submission of Information Disclosure Statement.

In accordance with the discussion with Examiner Le today, the Applicants submit a copy of the Information Disclosure Statement and Form PTO-1449 without copies of the 13 references. All of the previously cited 13 references are U.S. patents. The Applicants note that the issue fee in the above-identified application is due on **June 17, 2004**.

The Applicants wish to express their appreciation to Examiner Le for considering the previously cited references. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
BINGHAM MCCUTCHEN, LLP

Dated: June 8, 2004

By: 

Gary D. Lueck
Registration No. 50,791
Attorney for Applicants

Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Telephone: (213) 680-6400
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JUN 08 2004

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Docket No. 23679-7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Willilam B. Paxton, et al.
Filing Date: Herewith
Serial No.: New Application
Title: OPTICAL CONTROLLER

Assignee: Radica China Ltd.
Examiner: Not Assigned
Group Art Unit: Unknown

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☒ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. [] for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

Docket No. 23679-7004

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.
- ☐ Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. _____, filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

Docket No. 23679-7004

- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193 Docket No. 23679-7004 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: 11/23/02

Respectfully submitted,

By: 

David G. Beck

Registration No.: 37,776

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (415) 393-2000
Telefax: (415) 393-2286

FORM PTO-1449 (Modified [6-1]) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO.: 23679-7004	SERIAL NO.: New Application
	INVENTOR: William B. Paxton, et al.	
	FILING DATE: Herewith	GROUP ART UNIT: Unknown

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS					
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing Date If Appropriate
	A1	4,953,111	09/28/1990	Yamamoto, et al.	364	569	02/11/88
	A2	5,367,315	11/22/1994	Pan	345	156	11/15/90
	A3	5,402,109	03/28/1995	Mannik	340	575	04/29/93
	A4	5,410,376	04/25/1995	Cornsweet, et al.	351	210	02/04/94
	A5	5,325,133	06/28/1994	Adachi	351	209	09/30/92
	A6	5,583,795	12/10/1996	Smyth	364	516	03/17/95
	A7	5,625,380	04/29/1997	Hansen	345	157	02/08/95
	A8	5,790,099	08/04/1998	Okada	345	157	08/18/97
	A9	5,844,544	12/01/1998	Kahn, et al.	345	156	06/13/95
	A10	5,859,686	01/12/1999	Aboutalib, et al.	351	209	05/19/97
	A11	5,912,721	06/15/1999	Yamaguchi, et al.	351	210	03/12/97
	A12	5,956,122	09/21/1999	Doster	351	210	06/26/98
	A13	6,219,439	04/17/2001	Burger	382	115	07/09/99

FOREIGN PATENT DOCUMENTS								
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLAT'N	
							yes	no
	B1							
	B2							
	B3							
	B4							
	B5							

OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)

	C1	
	C2	
	C3	
	C4	
	C5	

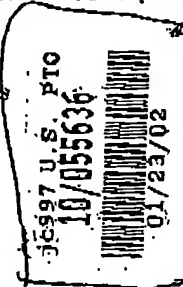
EXAMINER EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to	DATE CONSIDERED
--	------------------------

Express EL 828015157USSerial/Patent No.: NEW APPLICATION Filing/Issue Date: HEREWITHClient: William B. Paxton, et al. (Radica China, Ltd.)Title: OPTICAL CONTROLLERDocket No.: 23679-7004 Any/Secy Initials: DGB/papDate Mailed: 1-23-02 Docket Due Date: N/A

The Following Was Received In The U.S. Patent And Trademark Office On The Date Stamped:

1. Specification (10) with 6 pages of informal drawings
2. Declaration (signed)
3. Assignment with recordation cover sheet (3 pages)
4. Information Disclosure Statement with 1 page PTO 1449 and 13 references
5. Request for Expedited Handling of Foreign Filing License with fee.
6. Transmittal (in dupe.)

21401154_1.DOC





POST OFFICE TO ADDRESSEE



EL 828015157 US

ORIGIN (POSTAL USE ONLY)	
TO ZIP CODE 94126	Day of Delivery First <input checked="" type="checkbox"/> Second <input type="checkbox"/> Third <input type="checkbox"/>
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Time in 1600	Return Receipt Fee <input type="checkbox"/>
Weight 1.3	Insurance Fee \$ 18.15
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TO: (PLEASE PRINT)	PHONE: ()
Commissioner for Patents ATTN: BOX PATENT APPLICATIONS P.O. Box 2327 Arlington, VA 22202-0327	

Our File No. 23679-7004

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Express Mail No. EL 828015157US

Docket No. 23679-7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: William B. Paxton, et al.
Appln. No.: New Application
Filing Date: Herewith
Title: OPTICAL CONTROLLER

UTILITY PATENT APPLICATION & FEE TRANSMITTAL
(for nonprovisional applications under 37 CFR § 1.53(b))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10

I, Pam Pascual, hereby certify that this paper and all enclosures are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on January 23, 2002, Express Mail Label No. EL 828015157US and is addressed to the Commissioner for Patents, Washington, D.C., 20231.

Pam Pascual
Signature of Person Mailing

Commissioner for Patents
BOX PATENT APPLICATIONS
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

I. Elements of the Application		
<input checked="" type="checkbox"/> Application	[1]	page(s) of Cover Sheet
	[19]	page(s) of Specification
	[7]	page(s) of Claims (___ claims)
	[1]	page(s) of Abstract
	[6]	sheets of Drawings [] Formal [X] Informal
<input checked="" type="checkbox"/> Declaration and Power of Attorney	[2]	page(s)
[] Unexecuted	[X] Executed	[] Copy from prior application (37CFR § 1.63(d))
<input type="checkbox"/> Deletion of Inventors:	[]	page(s) of signed statement deleting inventor(s) (37CFR § 1.63(d) & 1.33(b))
<input type="checkbox"/> Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)		
<input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission:		
[]		page(s) of Sequence Listing (paper copy)
[]		disk(s) containing Sequence Listing (computer readable copy)
[]		page(s) of Statement Under 37 CFR 1.821(f)
<input type="checkbox"/> Microfiche Computer Program Appendix		
II. Claim for U.S. Priority		
<input type="checkbox"/> This application is a	<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional
	<input type="checkbox"/> Continuation-in-Part	
	of Prior Application No. _____	filed _____, (35 USC §120)
<input type="checkbox"/> This application claims the benefit under 35 U.S.C. §119(e) of United States Application Serial No. 60/_____	filed _____	(Provisional Application)
<input type="checkbox"/> The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.		
III. Claim for Foreign Priority		
<input type="checkbox"/> This application claims the benefit under 35 USC §119 of Prior Application No. _____		filed _____
<input type="checkbox"/> Certified Copy of Priority Document	[]	page(s)
<input type="checkbox"/> English Translation of Priority Document	[]	page(s)

Express Mail No. EL 828015157US

Docket No. 23679-7004

IV. Accompanying Documents

- ☒ Assignment Papers [1] page(s) of Recordation Cover Sheet [2] page(s) of Assignment
- ☐ Applicant(s) claims Small Entity Under 37 CFR § 1.27 [] Verified Small Entity Statement was previously filed in Prior Application No. _____ on _____.
- ☒ Information Disclosure Statement [1] page(s) of PTO-1449 [13] copies of IDS References
- ☐ A Preliminary Amendment [] page(s)
- ☐ A copy of a Petition for Extension of Time (mos.) filed simultaneously in Prior Application No. _____
- ☐ A copy of a Submission of Processing & Retention Fee (37 CFR § 1.78(a)(1) which is being filed simultaneously in Prior Application No. _____
- ☒ Other Petition for Expedited Handling of Foreign Filing License (specify)
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

V. Fee Calculation

<input type="checkbox"/> The following fees are submitted:				CALCULATIONS	
			OTHER THAN SMALL ENTITY	SMALL ENTITY	
BASIC NATIONAL FILING FEE			\$ 740.00	\$ 370.00	\$740.00
EXTRA CLAIMS FEE					
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	35-20 =	15	× \$18.00	× \$ 9.00	\$270.00
Independent claims	6-3 =	3	× \$84.00	× \$42.00	\$252.00
MULTIPLE DEPENDENT CLAIM(S)					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			\$280.00	\$140.00	\$0.00
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31).					
1 (Numbers of Applications) × \$40.00					\$40.00
OTHER FEES <u>PETITION FOR EXPEDITED HANDLING OF FOREIGN FILING LICENSE</u> (specify)					\$130.00
TOTAL FEES =					\$1,432.00

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge Deposit Account No.: 50-1193, Docket No. 23679-7004, in the amount of \$1,294.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1193, Docket No. 23679-7004
A duplicate copy of this sheet is enclosed

SEND ALL CORRESPONDENCE TO:

David G. Beck
McCutchen, Doyle, Brown & Enersen, LLP
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Telephone: (415) 393-2000
Facsimile: (415) 393-2286

SIGNATURE

DATE

David G. Beck
NAME

37.776
REGISTRATION NUMBER